

October 13, 2009

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., October 13, 2009.

Members present: Mayor W. D. Tharp; Councilwoman Mary L. Flood; Councilman Jeffrey B. Hubbard; Councilman Steve C. Rush; Councilman C. G. Stanley, Jr.; and Councilman James A. Vest

Members absent: Vice Mayor Robert T. Wandrei

Staff present: City Manager Charles P. Kolakowski; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher

Mayor Tharp opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Tharp declared that the minutes of a regular Council meeting held on September 22, 2009, were approved as distributed.

City Manager Kolakowski reported that the "Electronics Recycling Day" held recently at the Farmer's Market was very successful. The City Manager thanked the City staff and volunteers who helped. Over ten tons of electronics were collected. The City Manager stated that another recycling event will probably be scheduled for next year.

Councilman Stanley reported that the Property Committee and the Water & Sewer Committee met earlier in the evening in closed session.

The Mayor added the following item to the agenda under "New Business:" Consent Order – State Water Control Board

Mayor Tharp opened the public hearing regarding appointment of a member to the City School Board at 7:07 p.m.

The Public Hearing Notice follows:

### **NOTICE OF PUBLIC HEARING**

Notice is hereby given that, pursuant to Section 22.1-29.1 of the Code of Virginia of 1950, as amended, the City Council of the City of Bedford will hold a public hearing at 7:30 p.m. on October 13, 2009, in the Council Hall of the Municipal Building, for the purpose of receiving the views of citizens on the appointment of a member to the City School Board.

Any citizens who wish to be considered for appointment to the City School Board should notify the office of the City Manager, 215 East Main Street, Bedford, VA 24523, no later than September 30, 2009.

October 13, 2009

As there were no comments, the Mayor closed the public hearing at 7:07 p.m.

The Mayor asked the City Manager to schedule interviews with the two candidates for the School Board prior to the next Council meeting.

Mayor Tharp opened the public hearing regarding vacation of streets and interior lot lines on an 1890 plat of the Elks Home property at 7:08 p.m.

The Notice of Public Hearing follows:

### **PUBLIC HEARING NOTICE**

NOTICE is hereby given of a public hearing, pursuant to Article XII, Section 1207 of the City of Bedford Land Development Regulations and pursuant to Virginia Code Section 15.2-2272, to be held by the City Council of the City of Bedford, Virginia, at the City Council meeting at 7:00 P.M. on Tuesday October 13, 2009 in the Council Chambers at the City Municipal Building at 215 E. Main Street, Bedford, Virginia, to consider an application by the Benevolent and Protective Order of Elks of the United States for the vacation by ordinance of certain interior lot lines and streets which were shown on a certain plat of survey entitled "Bedford City Land & Imp. Co.," prepared by S. B. Mosby & Co., Engineers, recorded on July 15, 1890 in the Clerk's Office of the Circuit Court of Bedford County in Deed Book 65, at page 29.

The streets which are proposed to be vacated are "paper streets" which have never been accepted by the City or constructed and include Meadow Street, Otter Street, Liberty Avenue, Randolph Avenue, Blue Ridge Avenue, College Street, Dickinson Street, Kimball Street, Scott Street, Crescent Street, Stewart Street, Hill Street, Duncan Street, Richmond Street as shown on the original 1890 plat.

The new proposed plat showing the streets and lot lines to be vacated, entitled "Reconfiguration and Road & Alley Vacation of a Portion of the Property of The Benevolent and Protective Order of Elks of the United States," prepared by Berkley-Howell & Assoc., P.C., dated September 23, 2009, together with information regarding the application is on file in the office of Community Development of the City of Bedford, Virginia.

Individuals who are in favor of or opposed to the application and proposed ordinance of vacation will have an opportunity to express their views at the hearing.

By Authority of the City Council  
of the City of Bedford, Virginia

October 13, 2009

Mr. Henry Clarke, Attorney, representing the Elks National Home, reviewed the request for vacation of streets and interior lot lines on the plat.

The Mayor closed the public hearing at 7:09 p.m.

Mayor Tharp opened the public hearing regarding vacation of an area of the Independence Boulevard right-of-way at 7:10 p.m.

The Notice of Public Hearing following:

### **PUBLIC HEARING NOTICE**

Notice is given of a public hearing to be held by the City Council of the City of Bedford at 7:00 p.m. on October 13, 2009 pursuant to Virginia Code Section 15.2-2006 for the purpose of vacating a portion of the right of way of Independence Boulevard in the City of Bedford, conditioned upon sale to the adjacent owners James W. Andrews and Dale W. and Rebecca A. Stanley. The land is describes as a 75' x 74.03' parcel located on the east side of the pavement and shoulders and consists of the residue of a larger tract acquired when Independence Boulevard was constructed.

Individuals who are in favor of or opposed to the application will have an opportunity to express their views at this hearing.

By Authority of the City Council  
of the City of Bedford, Virginia

As there were no comments, the Mayor closed the public hearing at 7:10 p.m.

The City Manager stated the Order of Elks, which owns and operates the Elks National Home, has applied to the City for vacation of various interior lot lines and paper streets shown on a plat of the original Elks Home property which was recorded in 1890. The real estate was conveyed to the Order of Elks by reference to the old plat. Mr. Kolakowski reported that the Order of Elks has obtained a new plat of survey showing portions of its real estate, including a tract of 91.765 acres which includes the old paper streets and subdivided lots shown on the 1890 plat. The streets within this 91.765 acre tract have never been accepted by the City or improved, and the entire tract has been treated as one parcel with buildings and improvements having been constructed across many of the old lot lines and paper streets.

City Manager Kolakowski reported that the Planning Commission reviewed the matter at its last hearing on October 1, 2009, and found that the proposed vacation and the new plat are in accordance with the Comprehensive Plan. Notice of the proposed vacation has been published in the Bedford Bulletin for two consecutive weeks as required by State law, and the proposed ordinance of vacation has been posted as required by the City

October 13, 2009

Code. Mr. Kolakowski requested that Council approve the proposed ordinance of vacation.

Councilman Stanley moved that the ordinance be accepted as presented. The motion was seconded by Councilman Rush.

City Attorney Berry stated that Councilman Vest asked for clarification regarding several members of Council being members of the Order of Elks. The City Attorney stated he did not believe that under the statutes in Virginia that constitutes a conflict of interest since no one is paid for his position and it is shared by a whole group of people. The motion was then voted upon and carried by the following roll call vote:

Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	absent
Mayor Tharp	aye

The ordinance follows as adopted:

**ORDINANCE NO. 09-14**

**AN ORDINANCE VACATING PAPER STREETS AND INTERIOR LOT  
LINES ON THE 1890 PLAT OF PROPERTY OWNED BY THE  
BENEVOLENT AND PROTECTIVE ORDER OF ELKS  
OF THE UNITED STATES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
BEDFORD, VIRGINIA:**

**WHEREAS**, the Benevolent and Protective Order of Elks of the United States (“Order of Elks”), which is a non-profit corporation chartered under the laws of the District of Columbia and which operates the Elks National Home, owns certain real estate in the City which was conveyed to the Order of Elks by reference to a plat of survey entitled “Bedford City Land Development Imp. Co.,” recorded in the Clerks Office of the Circuit Court of Bedford County on July 15, 1890 in Deed Book, 65, at page 29; and

**WHEREAS**, the 1890 plat showed various paper streets which have never been constructed and which created numerous small lots that have been treated as one large tract by the Order of Elks; and

**WHEREAS**, the Order of Elks has applied to the City Council to vacate parts of the old plat which show interior lot lines and paper streets and to approve a new plat of survey entitled “Reconfiguration and Road & Alley Vacation of a Portion of the Property

October 13, 2009

of the Benevolent and Protective Order of Elks of the United States,” prepared by Berkley-Howell & Assoc. PC, dated June 22, 2009, revised September 7, 2009 and September 23, 2009 (herein referred to as “the new plat”); and

**WHEREAS**, the Order of Elks owns all lots located within the boundaries of Tract 1, containing 91.765 acres, as shown on the new plat, including all land abutting the streets to be vacated within said Tract 1; and

**WHEREAS**, the Planning Commission, on October 1, 2009, reviewed the application of the Order of Elks and determined, pursuant to Va. Code Section 15.2-2232 that the proposed vacation of streets and interior lot lines was substantially in accordance with the Comprehensive Plan; and

**WHEREAS**, the City Council has held a hearing on October 13, 2009 at which time any person could object to this proposed order of vacation, public notice having been given pursuant to Va. Code Section 15.2-2204 in the issues of the Bedford Bulletin published on September 30, 2009 and on October 7, 2009; and

**WHEREAS**, the City Council finds that the vacation of the paper streets will not alter drainage or access for any lot owners and will cause no inconvenience or damage to the owners of any lots shown on the plat.

**Section 1.** The City Council, pursuant to Code of Va. Section 15.2-2272, hereby vacates such portions of the 1890 plat entitled “Bedford City Land Development Imp. Co.,” which are shown as paper streets and interior lot lines and which are within the boundaries of Tract 1, containing 91.765 acres as shown on a plat of survey entitled “Reconfiguration and Road & Alley Vacation of a Portion of the Property of the Benevolent and Protective Order of Elks of the United States,” dated June 22, 2009, revised September 7, 2009. (“The portion of Bedford Avenue designated on the new plat as “0.706 ac. reserved for future extension of Bedford Avenue” is not vacated.”)

**Section 2.** This ordinance shall be in effect from and after the date of adoption, and the Clerk of the City Council shall cause a certified copy of this ordinance together with a copy of the new plat to be recorded in the Clerk’s Office of the Circuit Court of Bedford County if no appeal of the adoption of the ordinance is filed within 30 days of adoption or if the ordinance is upheld on appeal; provided, however, that the Order of Elks has paid the City for all costs and fees, including reimbursement of advertising costs and the costs of recordation.

The City Manager stated that in connection with the construction of Independence Boulevard, the Commonwealth of Virginia in 1995 obtained ownership of a lot of land owned by Charles Wilson and platted as a lot on the old subdivision of Bedford Court. Most of the Wilson lot was needed for construction of the road, but a small 75’ x 75’ portion of the original lot appears to jut into the adjoining property which is owned by James W. Andrews and Dale W. and Rebecca A. Stanley.

October 13, 2009

City Manager Kolakowski reported that Mr. Andrews and the Stanleys have proposed a subdivision plat and development plans for their parcel of land. The small residue lot of 75 feet by 75 feet lies in the southwest corner of their property and its addition to their property would improve the value of their development by providing a site for drainage facilities required by the City. The Planning Commission, on October 1, 2009, reviewed the plans and recommend approval of the subdivision plat subject to the owners obtaining title to the small parcel that juts into their property.

The City Manager stated that notice of a public hearing has been given pursuant to Va. Code Section 15.2-2006 which is applicable to the closing of public rights of way. The Planning Department recommends that the small part of the right of way that juts into the adjoining property be vacated without requiring the expense and time involved in appointment of viewers as can be done under the applicable State law. The Planning Department does recommend that the City Council, pursuant to the applicable statutes for this type of street vacation make such vacation conditioned upon the abutting owners' purchasing the vacated right of way which juts into their property for a price of \$100 to be set by the City Council. The price under the state statutes can be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties. The vacation also should be conditioned upon the abutting owners presenting a plat of survey incorporating the jutting lot into their property.

City Manager Kolakowski said the proposed ordinance had been posted in accordance with the City Code. The Planning Department and City Manager recommend that by proper motion, the City Council set the consideration for purchase of the residue lot to be inserted in the proposed ordinance and that the ordinance, with such insertion, be approved.

On motion by Councilman Rush, seconded by Councilman Vest, voted upon and carried by a roll call vote, Council accepted the ordinance as presented. Roll call vote follows:

Councilman Hubbard	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	absent
Councilwoman Flood	aye
Mayor Tharp	aye

The ordinance follows as adopted:

**ORDINANCE NO. 09-15**

**AN ORDINANCE VACATING A 75 FOOT BY 75 FOOT PORTION OF  
THE INDEPENDENCE BNOULEVARD RIGHT-OF-WAY CONSISTING  
OF EXCESS PROPERTY ACQUIRED BY THE CITY DURING ROAD  
CONSTRUCTION**

October 13, 2009

**WHEREAS**, in connection with construction of Independence Boulevard the Commonwealth of Virginia, by deed dated July 3, 1990, and recorded in the Clerk's Office of the Circuit Court of Bedford County in Deed Book 772, at page 46, obtain ownership from Charles G. Wilson, Lot 18, Section C on the map of Bedford Court, as shown on a 1927 plat of the subdivision recorded in Deed Book 153, at page 222; and

**WHEREAS**, after construction of Independence Boulevard, the Commonwealth of Virginia by a deed dated August 1, 1995 and recorded in the Clerk's Office as Instrument No. 050007748 conveyed to the City of Bedford the lands lying within the constructed right of way and additional small residue lots, including a portion of the property formerly owned by Charles G. Wilson consisting of a 75 foot by 75 foot parcel ("Wilson residue"); and

**WHEREAS**, the Wilson residue is shown on the tax maps as part of Independence Boulevard that juts into the corner of real estate owned by James W. Andrews and Dale W. and Rebecca A. Stanley ("abutting owners"), which abutting property is shown as Tax Map No. 157-3-B-13; and

**WHEREAS**, the abutting owners have submitted a subdivision plat and development plans for their property and the addition of the Wilson residue to their property would contribute to their abutting property by providing an area for a storm drainage facility for the development; and

**WHEREAS**, the Planning Commission, on October 1, 2009, reviewed the proposed development and recommend that the Wilson residue be made part and parcel of the land to be developed and subdivided; and

**WHEREAS**, the City Council, on October 13, 2009, has held a public hearing pursuant to the provisions of Va. Code Section 15.2-2006 for the purpose of vacating the Wilson residue from the right of way of Independence Boulevard, notice of such hearing having been published for two weeks in the Roanoke Times in the editions of October 5, 2009 and October 12, 2009; and

**WHEREAS**, it has been established to the satisfaction of the City Council that no public inconvenience would be suffered by the closing and vacation of the Wilson residue as a part of the public right of way; and

**WHEREAS**, the City Council finds that it is not necessary for the appointment of viewers and that it is in the public interest to discontinue and vacate that portion of the right of way; and

**WHEREAS**, pursuant to the provisions of Va. Code Section 15.2-2006 and 15.2-2008, the City Council finds that as a condition of vacation, the Wilson residue should be purchased by the abutting owners for a purchase price of \$100.00.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, VIRGINIA AS FOLLOWS:**

October 13, 2009

**Section 1.** The City Council, pursuant to Va. Code Section 15.2-2006, hereby vacates and discontinues the portion of Independence Boulevard referred to herein as the “Wilson residue,” conditioned upon (a) payment of the above consideration to the City by the owners of the abutting property; (b) the preparation of a new plat incorporating the vacated residue into the abutting property; and (c) the payment or reimbursement to the City of all publication and recordation expenses.

**Section 2.** This ordinance of vacation shall take effect upon payment of the above sums to the City and approval of a new plat incorporating the residue lot, at which time the Mayor and Clerk are authorized and directed to execute and deliver a deed from the City, with special warranty of title, conveying the vacated land to the abutting owners, and the Clerk shall cause a certified copy of this ordinance of vacation to be recorded with said deed.

City Manager Kolakowski stated that James W. Andrews owns a one-half interest and Dale W. Stanley and Rebecca A. Stanley owns the other one-half interest in a tract of land lying on the east side of Independence Boulevard between Dominion Dodge and Advance Auto. The tract contains approximately 2.417 acres. The owners intend to subdivide the tract into 2 separate lots with access to the lots to be provided by a public street leading off Independence Boulevard as is required by the City Land Development Regulations.

The City Manager reported the Planning Commission reviewed the preliminary plat at its meeting on October 1, 2009, and recommended to the City Council that the preliminary plat be approved subject to recommendations by Jimmy A. English in a letter dated September 24, 2009, and subject to the owners purchasing the 75' x 75' parcel from the City and incorporating it into the final plat and entering into maintenance agreements to provide for maintenance of the drainage facility by the owners of the property in the proposed subdivision.

City Manager Kolakowski stated that City Council was requested, by proper motion, to approve the preliminary plat of Patriot Lane development subject to the following requirements: (1) the development owners shall purchase the 75' x 75' parcel from the City and shall incorporate that parcel in the final plat on which the exact location of the entire drainage facility shall be located; (2) the developers shall enter into a storm drainage facility maintenance agreement with the City pursuant to which the developers and subdividers agree to maintain the storm drainage facility and that duty shall apply to any future owners of lots in the subdivision; and (3) the developers shall enter into a subdivision agreement pursuant to which they agree to prepare the final plat and to post surety for required improvements and to comply with any other requirements of the City Land Development Regulations, including matters set forth in the letter from Jimmy A. English, Building Official, dated September 24, 2009, except as the terms of that letter may have been modified in this motion.

On motion by Councilman Stanley, seconded by Councilman Rush, voted upon and carried by a roll call vote, Council approved the preliminary plat of Patriot Lane development subject to the following requirements: (1) the development owners shall



October 13, 2009

purchase the 75' x 75' parcel from the City and shall incorporate that parcel in the final plat on which the exact location of the entire drainage facility shall be located; (2) the developers shall enter into a storm drainage facility maintenance agreement with the City pursuant to which the developers and subdividers agree to maintain the storm drainage facility and that duty shall apply to any future owners of lots in the subdivision; and (3) the developers shall enter into a subdivision agreement pursuant to which they agree to prepare the final plat and to post surety for required improvements and to comply with any other requirements of the City Land Development Regulations, including matters set forth in the letter from Jimmy A. English, Building Official, dated September 24, 2009, except as the terms of that letter may have been modified in this motion. Roll call vote follows:

Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	absent
Councilwoman Flood	aye
Councilman Hubbard	aye
Mayor Tharp	aye

City Manager Kolakowski reported the City of Bedford has a regional mutual aid agreement for law enforcement with the Amherst County Sheriff's Department, the Appomattox County Sheriff's Department, the Bedford County Sheriff's Department, the Campbell County Sheriff's Department, the Lynchburg Sheriff's Department, the Nelson County Sheriff's Department, the Pittsylvania County Sheriff's Department, the Town of Altavista, the Town of Amherst, the Town of Brookneal, the City of Lynchburg Police Department and such other cities, counties and towns and law enforcement agencies in the Central Virginia area as may be appropriate for the joint use of law enforcement services. The Counties of Nelson and Pittsylvania have requested to become part of the regional mutual aid agreement.

The City Manager stated that Council is requested to adopt a resolution approving the City's continued participation in future law enforcement mutual aid agreements and authorize the City Manager to sign such future law enforcement mutual aid agreements on behalf of the City.

On motion by Councilman Hubbard, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council approved the resolution as presented. Roll call vote follows:

Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	absent
Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Rush	aye
Mayor Tharp	aye

October 13, 2009

The resolution follows as adopted:

## **RESOLUTION**

**WHEREAS**, for a number of years the cities, counties and towns in Central Virginia and their law enforcement agencies have participated in mutual aid agreements; and,

**WHEREAS**, these mutual aid agreements have (a) helped promote regional cooperation among law enforcement agencies (b) helped participating jurisdictions provide necessary law enforcement services during emergencies and (c) helped enhance the overall quality of law enforcement services in Central Virginia; and

**WHEREAS**, the City of Bedford has written mutual aid agreements with Bedford County Sheriff's Department, Amherst County Sheriff's Department, Town of Amherst Police Department, County of Campbell Sheriff's Department, Town of Altavista Police Department, Town of Brookneal Police Department, City of Lynchburg Police Department, City of Lynchburg Sheriff's Department and the Appomattox County Sheriff's Department; and,

**WHEREAS**, these mutual aid agreements need to be amended from time to time to reflect amendments to the Virginia Code, to add new parties, etc.; and,

**WHEREAS**, the Sheriffs Departments for Nelson County and Pittsylvania County have requested that they be allowed to participate in the mutual aid agreement along with the cities, counties and towns and other law enforcement agencies in Central Virginia;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Bedford Council hereby authorizes the City to enter into a written mutual aid agreement with the Amherst County Sheriff's Department, the Appomattox County Sheriff's Department, the Bedford County Sheriff's Department, the Campbell County Sheriff's Department, the Lynchburg Sheriff's Department, the Nelson County Sheriff's Department, the Pittsylvania County Sheriff's Department, the Town of Altavista, the Town of Amherst, the Town of Brookneal, the City of Lynchburg and such other cities, counties and towns and law enforcement agencies in the Central Virginia area as may be appropriate for the joint use of law enforcement forces, both regular and auxiliary, equipment and materials, in order to maintain the peace and good order, and the City Manager is authorized to execute such an agreement on behalf of the City of Bedford.

**BE IT FURTHER RESOLVED**, the City of Bedford hereby approves the City's participation in future law enforcement mutual aid agreements with the cities, counties and towns in Central Virginia and their law enforcement agencies and at such times as those mutual aid agreements need to be updated and amended, the City Council authorizes the City Manager to sign such future law enforcement mutual aid agreements on behalf of the city.

October 13, 2009

The City Manager stated Council had received copies of a proposed resolution acknowledging that member jurisdictions are responsible for fees for the housing of inmates in the Blue Ridge Regional Jail system. The board of directors of the Blue Ridge Regional Jail Authority has authorized and approved the proposed issuance by the Authority of its revenue bonds and notes in the aggregate principal amount not to exceed \$63,000,000 to fund the acquisition, construction, equipping and related issuance costs of the New Addition and other improvements to the Regional Jail, approximately \$24.8 million of which is expected to be reimbursed by the Commonwealth of Virginia. The Board has also authorized refunding revenue bonds in the aggregate principal amount not to exceed \$25,000,000 for the purpose of refinancing all or a portion of the Authority's revenue bonds issued in 1997 in connection with the initial acquisition, construction and equipping of the regional Jail and paying issuance costs related to such refinancing. Mr. Kolakowski reported the Authority and the City have determined it is in the best interest of the Authority to sell all or a portion of such obligations to the Virginia Resources Authority ("VRA"), which will result in substantial benefit and savings to the Authority and the City. The City Manager stated that City staff recommends that Council approve the resolution.

Councilman Stanley moved that the resolution be accepted. The motion was seconded by Councilwoman Flood.

Councilman Vest asked if the City will be obligated to pay for the new addition to be constructed.

The City Manager stated the City's portion would be as appropriated through the fees for the inmates.

City Attorney Berry stated the City would not be obligated to pay for the building; the City is obligated to pay its share of per diem per prisoner; and the per diem charged to all the municipalities goes into a fund that pays for everything.

The motion was then voted upon and carried by the following roll call vote:

Councilman Vest	aye
Vice Mayor Wandrei	absent
Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Rush	aye
Councilman Stanley	aye
Mayor Tharp	aye

The resolution follows as adopted:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BEDFORD, VIRGINIA APPROVING THE ISSUANCE OF  
DEBT BY THE BLUE RIDGE REGIONAL JAIL AUTHORITY**

October 13, 2009

**WHEREAS**, the City of Bedford, Virginia (the “City”) entered into that certain Service Agreement, dated July 28, 1997 (the “Service Agreement”), among itself, the City of Lynchburg and the Counties of Bedford, Campbell and Halifax (collectively, the “Initial Member Jurisdictions”) and the Blue Ridge Regional Jail Authority (the “Authority”), in connection with the acquisition, construction, equipping and operation of a regional jail with facilities presently located in certain of the Initial Member Jurisdictions (the “Regional Jail”);

**WHEREAS**, the Service Agreement was amended by Agreement, dated as of July 1, 2007 (the “Agreement”), among the Authority, the Initial Member Jurisdictions and the Counties of Appomattox and Amherst (the “New Member Jurisdictions”), pursuant to which the Authority determined to build an addition to the Regional Jail to be located in Amherst County (the “New Addition”) and make certain other improvements to the Regional Jail to accommodate the New Member Jurisdictions;

**WHEREAS**, pursuant to the Service Agreement, as amended by the Agreement, the Initial Member Jurisdictions and the New Member Jurisdictions (collectively, the “Member Jurisdictions”) are responsible for the payment of fees and charges for the use by their prisoners of the Regional Jail, including the New Addition to be constructed, and such payments are the primary source of revenue from which the Authority pays expenses of operations, including debt service on its bonds and other obligations;

**WHEREAS**, the Board of Directors of the Authority has authorized and approved the proposed issuance by the Authority of its revenue bonds and notes in the aggregate principal amount not to exceed \$63,000,000 to fund the acquisition, construction, equipping and related issuance costs of the New Addition and other improvements to the Regional Jail, approximately \$24.8 million of which is expected to be reimbursed by the Commonwealth of Virginia, and has also authorized refunding revenue bonds in the aggregate principal amount not to exceed \$25,000,000 for the purpose of refinancing all or a portion of the Authority’s revenue bonds issued in 1997 in connection with the initial acquisition, construction and equipping of the Regional Jail and paying issuance costs related to such refinancing (the “Project”);

**WHEREAS**, the Authority and the City have determined it is in the best interest of the Authority to sell all or a portion of such obligations to the Virginia Resources Authority (“VRA”) which will result in substantial benefit and savings to the Authority and the City;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bedford, Virginia that:

**1. Consent to Issuance and Sale of Obligations.** The City hereby acknowledges the benefits and savings and consents to the issuance and sale of all or a portion of the revenue bonds, revenue notes and refunding revenue bonds referenced above (the “Obligations”) by the Authority to VRA for the purpose described above, subject to the adoption of similar resolutions by the governing bodies of the other Member Jurisdictions.

**2. Limited Obligations of the Authority.** The City hereby acknowledges and agrees that the source of the payment of and security for debt service on the Obligations are the revenues of the Authority, including but not limited to the fees and charges paid the by the City. It is to be understood that the documents reflecting the terms and provisions of the Obligations shall provide that such indebtedness shall not be deemed to constitute a debt or pledge of the faith and credit or the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Authority and the City, and that neither the Commonwealth nor any other political subdivision or the Authority shall be obligated to pay the principal of, premium, if any, or interest on such indebtedness or other costs incident thereto, except from the revenues pledged by the Authority therefor, all as permitted by law and described under the documentation in connection with the Obligations.

**3. Ratification of Service Agreement.** All terms and provisions of the Service Agreement, as amended by the Agreement, are hereby ratified and confirmed by the City.

**4. Effective Date.** This resolution shall take effect immediately

City Manager Kolakowski reported the City has received notification that a grant award of \$12,963 for the Litter Prevention and Recycling Program was awarded for Fiscal Year 2010. This award is higher than the amount that was originally budgeted, so an additional appropriation needs to be approved to allow the City to spend these funds. The additional appropriation will be an increase in the revenue of \$6,663 and an increase in the expenditure of \$5,963.

The City Manager stated Council was requested to appropriate \$6,663 to revenue account 100083.424302 and \$5,963 to expenditure account 10088170.558401.

On motion by Councilman Vest, seconded by Councilman Hubbard, voted upon and carried by a roll call vote, Council appropriated \$6,663 to revenue account 100083.424302 and \$5,963 to expenditure account 10088170.558401. Roll call vote follows:

Vice Mayor Wandrei	absent
Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Mayor Tharp	aye

City Manager Kolakowski stated a Consent Order has been issued under the authority of Virginia Code between the State Water Control Board and the City of Bedford regarding the City of Bedford Wastewater Treatment Plant. This Consent Order is for the purpose of resolving violations of the State Water Control Law and the applicable permit and regulations due to unauthorized discharges of untreated wastewater to state streams during overflow events because of inflow conditions during rainfall runoff events. The

October 13, 2009

City Manager stated that a Schedule of Compliance is listed in Appendix A of the Consent Order which outlines the requirements of the City. The City Manager stated that Council was requested to accept the Consent Order issued by the State Water Control Board to the City of Bedford and agree to the terms and conditions of this Consent Order.

On motion by Councilman Stanley, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council accepted the Consent Order as presented and detailed. Roll call vote follows:

Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	absent
Mayor Tharp	aye

Mayor Tharp adjourned the meeting at 7:32 p.m.